

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMEY WAYNE CHARON, JR.,

Defendant.

CR 22-28-BU-DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto's Findings & Recommendation Concerning Plea. (Doc. 25.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Charon is charged with one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count I), two counts of distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count II-III), and one count of prohibited person in possession of

firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1) (Count IV), as set forth in the Indictment. (Doc. 1.) Judge DeSoto recommends that this Court accept Charon's guilty plea as to Counts I and IV after Charon appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. In light of the United States' motion for preliminary order of forfeiture (Doc. 27), the Court will address the issue of forfeiture by separate order.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 25) is ADOPTED in full.

IT IS FURTHER ORDERED that Charon's motion to change plea (Doc. 19) is GRANTED.

IT IS FURTHER ORDERED that Charon is adjudged guilty as charged in Counts I and IV of the Indictment.

DATED this 4th day of April, 2023.



Dana L. Christensen, District Judge
United States District Court